

1 XAVIER BECERRA
2 Attorney General of California
3 DARRELL W. SPENCE, State Bar No. 248011
Supervising Deputy Attorney General
4 KIRIN K. GILL, State Bar No. 259968
CHRISTINE M. MURPHY, State Bar No. 183835
Deputy Attorneys General
5 State Bar No. 259968
1300 I Street, Suite 125
6 P.O. Box 944255
Sacramento, CA 94244-2550
7 Telephone: (916) 210-6172
Fax: (916) 324-5567
E-mail: Kirin.Gill@doj.ca.gov
8 E-mail: Christine.Murphy@doj.ca.gov

9 *Attorneys for Defendants*

10 *California Department of Education, Tony
Thurmond, in his official capacity as the State
Superintendent of Public Instruction, and
State Board of Education*

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 EMMA C., et al.,

3:96-cv-04179-VC

15 Plaintiffs,

16 v.

17 THURMOND, et al.,

18 Defendants.

19 **ADDENDUM TO STATE DEFENDANTS'
RESPONSE TO ORDER RE FURTHER
FILINGS ON SELECTION OF SMALL
DISTRICTS FOR MONITORING (DKT.
2584)**

20 Judge: The Honorable Vince Chhabria

1 Pursuant to the Court's June 18, 2020 Order re Further Filings on Selection of Small
 2 Districts for Monitoring (Dkt. 2584) (the "6/18/20 Order"), Defendants California Department of
 3 Education ("CDE"), Tony Thurmond, in his official capacity as the State Superintendent of
 4 Public Instruction, and State Board of Education ("SBE") (collectively, "State Defendants" or the
 5 "State") hereby submits this Addendum to their Response filed June 26, 2020 (Dkt. 2590 & 2590-
 6 1.) In its 6/18/20 Order, the Court asked the parties to address whether it "could be rational to
 7 exclude small school-aged LEAs from the intensive monitoring process entirely, for at least two
 8 reasons: (i) small LEAs perform better on the whole than large LEAs; and (ii) the process of
 9 targeted monitoring might end up being more comprehensive when applied to small LEAs."
 10 (Dkt. 2584 at 1-2). The State inadvertently omitted a direct response to this question, and
 11 answers as follows:

12 The State agrees that, as a whole, the data indicates that small LEAs generally appear to
 13 perform better than large LEAs. CDE is concerned, however, with intentionally designing a
 14 system that would exclude small LEA data entirely from its selection criteria with respect to a
 15 particular monitoring activity, including, for example, Intensive Review – School Age. As for
 16 whether it would be rational to exclude small LEAs entirely from selection for Intensive Review
 17 – School Age because targeted monitoring might end up being more comprehensive when applied
 18 to small LEAs, that question is better suited to Phase 3, when the legal sufficiency of particular
 19 monitoring activities will be addressed.

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 Dated: June 29, 2020

Respectfully submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 DARRELL W. SPENCE
Supervising Deputy Attorney General

5 /s/ Kirin K. Gill
6 /s/ Christine M. Murphy

7 KIRIN K. GILL
CHRISTINE M. MURPHY
Deputy Attorneys General
8 *Attorneys for Defendants*
9 *California Department of Education, Tony*
Thurmond, in his official capacity as the
State Superintendent of Public Instruction,
and State Board of Education

10
11 SA2005104070
12 6-29 Emma C Addendum (003).docx

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Case Name: Emma C., et al. v. Thurmond,
et al. No. 3:96-cv-04179-VC

I hereby certify that on June 29, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**ADDENDUM TO STATE DEFENDANTS' RESPONSE TO ORDER RE FURTHER
FILINGS ON SELECTION OF SMALL DISTRICTS FOR MONITORING (DKT. 2584)**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 29, 2020, at Sacramento, California.

Natalie Y. Quinonez

Declarant

/s/ Natalie Y. Quinonez

Signature

SA2005104070
34195908.docx